

SECTION III—REMARKS

This amendment is submitted in response to the Office Action mailed 30 October 2007. Claims 31-32 are canceled and claim 33 is amended. Claims 33-42 remain pending in the application. Applicants respectfully request reconsideration of the application and allowance of all pending claims in view of the above amendments and the following remarks.

Specification Objections

The Examiner objected to the specification because it allegedly does not include a cross-reference indicating that the current application is a divisional of U.S. patent application serial number 09/957,792, filed on September 20, 2001, which is now U.S. Patent No. 6,981,543.

Applicants have, in this amendment, inserted the cross-reference requested by the Examiner. Applicants respectfully submit that this overcomes the Examiner's objection.

Rejections Under 35 U.S.C. § 102

The Examiner rejected claims 33-42 as anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 6,125,650 to Pfister et al. ("Pfister"). Applicants respectfully traverse the Examiner's rejections.

As an initial matter, Applicants submit that *Pfister* is not an appropriate reference for a rejection under § 102(b). To be a proper reference under § 102(b), a U.S. Patent must have an issue date that is more than one year before the effective filing date of the application. In this case, *Pfister* has an issue date of October 3, 2000, and the application has a priority date of September 20, 2001, meaning that *Pfister*'s issue date is less than

one year before the effective filing date of the application. *Pfister* therefore cannot be used to make a rejection under § 102(b).

Even if *Pfister* was a proper reference under some other subsection of § 102, it would still not anticipate the claim. A claim is anticipated only if each and every element, as set forth in the claim, is found in a single prior-art reference. MPEP § 2131; *Verdegaal Bros. v. Union Oil of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). For at least the reasons explained below, *Pfister* cannot anticipate the claims because it does not disclose every element and limitation recited therein.

Claim 33, as amended, recites an apparatus combination including:

a cover plate;

a channeled base member having an external wall extending around a periphery thereof to which a cover plate is secured so as to define a sealed cavity, and further including a pair of internal walls, each internal wall including a portion disposed substantially adjacent to a portion of the external wall so as to define a pair of capillary channels, said internal walls dividing the sealed cavity into a condensing region and the capillary channels;

a vapor inlet port to receive a working fluid in a vapor state operatively coupled to the sealed cavity; and

a first liquid outlet port from which the working fluid exits the condenser, operatively coupled to an outlet end of the capillary channel.

(italics added). *Pfister*, in figure 7, discloses a heat tube cooler 114 with a hollow metallic heat tube 116. The distal end of heat tube 116 is in communication with a reservoir 120 containing refrigerant 122, and a wick 124 extends from reservoir 120 through heat tube 116 and substantially entirely into bore 102. But *Pfister* does not disclose, teach or suggest that there are any internal walls within heat tube 116 or bore 102 and therefore cannot disclose, teach or suggest a combination including “a pair of

internal walls, each internal wall including a portion disposed substantially adjacent to a portion of the external wall so as to define a pair of capillary channels, said internal walls dividing the sealed cavity into a condensing region and the capillary channels.” Applicants submit that *Pfister* therefore cannot anticipate the claim and respectfully request withdrawal of the rejection and allowance of the claim.

Regarding claims 34-42, if an independent claim is non-obvious, then any claim depending therefrom is also non-obvious. MPEP § 2143.03; *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). As discussed above, claim 33 is in condition for allowance. Applicants submit that claims 34-42 are therefore allowable by virtue of their dependence on an allowable independent claim, as well as by virtue of the features recited therein. Applicants therefore respectfully request withdrawal of the rejections and allowance of these claims.

Conclusion

Given the above amendments and accompanying remarks, all claims pending in the application are in condition for allowance. If the undersigned attorney has overlooked a teaching in any of the cited references that is relevant to allowance of the claims, the Examiner is requested to specifically point out where such teaching may be found. Further, if there are any informalities or questions that can be addressed via telephone, the Examiner is encouraged to contact the undersigned attorney at (206) 292-8600.

Charge Deposit Account

Please charge our Deposit Account No. 02-2666 for any additional fee(s) that may be due in this matter, and please credit the same deposit account for any overpayment.

Respectfully submitted,

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